

OCT 24 2012

Atty. Dkt. No. 050140-0103

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Siegfried MATUSCH et al.
Title: METHOD AND DEVICE FOR CLEARING THE
CRYSTALLINE MATERIAL OUT OF A CENTRIFUGE
BASKET
Patent No.: 6,177,021
Grant Date: January 23, 2001
Appl. No.: 09/301,624
Filing Date: April 29, 1999
Examiner: David A. Reifsnyder
Art Unit: 1723
Confirmation Number: 5712

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**RESPONSE TO NOTICE AND REQUEST FOR REMOVAL OF ASSERTION OF
SMALL ENTITY STATUS**

MAIL STOP PETITIONS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice mailed September 28, 2012, by the U.S. PTO (copy attached) and pursuant to 37 C.F.R. §1.28 (c)(2)(i), Applicant hereby requests removal of small entity status pursuant to §1.27(g) (2) in the above-identified application.

If status as a small entity is established in good faith, and fees as a small entity are paid in good faith, in any application or patent, and it is later discovered that such status as a small entity was established in error, or that through error the Office was not notified of a loss of entitlement to small entity status as requested by 1.27(g)(2), the error will be excused upon: compliance with the separate submission and itemization requirements of paragraphs (c)(1) and (c)(2) of this section, and the deficiency payment requirement of paragraph (c)(2) of this section.

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Change of Entity Status from small to large occurred on January 1, 2009.

The itemization of fees are as follows:

Type of fee and date	Current Fee for non-small entity	Fee actually paid	Deficiency
Maintenance Fee (7/23/2012)	\$4,810.00	\$2,365.00 on 7/23/12 \$2,365.00 on 7/31/12	\$80.00
Surcharge	\$150.00		\$150.00
			Total Def. \$230.00

As shown by the attached letter from European Patent Annuity Service GmbH, deficiency fees owed to the Patent and Trademark Office in the amount of \$2,365 were submitted on July 31, 2012. It is hereby requested that the \$2,365.00 fees paid on July 31, 2012, be applied as per the September 28, 2012 Notice from the U.S. PTO. Since the maintenance fees are now \$4,810.00, the deficiency fees in the amount of \$80.00 and surcharge of \$150.00 (total = \$230.00) are submitted herewith by the attached credit card authorization form PTO-2038.

Fees paid henceforth will be paid based on large entity status.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date OCT 24 2012

By 

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5426
Facsimile: (202) 672-5399

Glenn Law
Attorney for Applicant
Registration No. 34,371

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UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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FOLEY & LARDNER
3000 K STREET N W
SUITE 500
P O BOX 25696
WASHINGTON, DC 20007-8696

In re Patent No. 6,177,021
Issue Date : January 23, 2001
Application No. 09/301,624
Filed: April 29, 1999
Attorney Docket No.: 016794/0383

NOTICE

The above-identified patent has been referred to the Office of Petitions for consideration of a facsimile communication filed July 31, 2012 by European Patent Annuity Service GmbH. The communication is being treated as a request under 37 CFR 1.28(c), as it includes authorization to charge a maintenance fee deficiency and a letter indicating that patentee is no longer entitled to claim status as a small entity.

The request for acceptance of a fee deficiency submission under 37 CFR 1.28 (c) is **DISMISSED**.

The instant request does not identify the status of the submitter, European Patent Annuity Service GmbH, or the relationship of the party signing to European Patent Annuity Service GmbH. Consequently, the request is not signed by a proper party in accordance with 37 CFR 1.33(b) which reads:

(b) Amendments and other papers. Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:

- (1) A registered patent attorney or patent agent of record appointed in compliance with § 1.32(b);
- (2) A registered patent attorney or patent agent not of record who acts in a representative capacity under the provisions of § 1.34;
- (3) An assignee as provided for under § 3.71(b) of this chapter; or
- (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

While the Office will accept maintenance fee payments from third party payers, such acceptance does not extend to prosecution papers, such as papers under § 1.28(c) to correct erroneous fee payments, or to requests that small entity status be removed.

Applicant is given **ONE MONTH** to submit a properly signed paper requesting a change in small entity status, and a request under § 1.28(c), including a list of the fees erroneously paid

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U.S. Patent No. 6,177,021

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as a small entity and the total fee deficiency to avoid the return of the present fee deficiency paper and fee. This time period is not extendable under 37 CFR 1.136(a).

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail: Mail Stop PETITIONS
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By hand: Customer Service Window
 Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By fax: (571) 273-8300
 ATTN: Office of Petitions

By Internet: EFS-Web¹

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

¹ www.uspto.gov/ebs/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

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PATENT ANNUITY SERVICE GmbH

Mail Stop M Correspondence
Director of the US Patent and Trademark Office
PO Box 1450

BY FACSIMILE LETTER ONLY
Fax No. 001-571-2736500

Alexandria, VA 22313-1450
USA

URGENT!!!

0093 Pr

München, 31.07.2012

Maintenance Fee Payment for US-Patent No. 6,177,021
Payor Number: 000903 - Deposit Account Number 05-1403

Dear Sirs,

We arranged payment of maintenance fee for patent no. 6,177,021 on July 23, 2012 - see enclosed Maintenance Fee Statement.

According to the US-patent register status for the above mentioned patent is currently small and, thus, our deposit account no. 05-1403 was charged with maintenance fee for a Small-Entity patent only.

However, our client informed us that patent owner is no longer qualified as a small business concern or individual or non-profit organization. Attached please find a copy of our client's request for change of entity status.

The English translation of the email is:

*Dear Mr.s Prell-Bscheid,
as mentioned in our letter dated April 16, 2012, we kindly ask you to pay 12th annuity for US Patent No. 6177021 with the internal file 2784 which is due on July 23, 2012. The Small Entity status has to be changed to Large Entity. Kindly take necessary steps to arrange the correction.
Reminder letter is attached.
I wish you and your staff a nice and sunny weekend
Best regards
Katja Duderstad*

08/01/2012 MBANGURA 88888811 851483 6177021
01 FC:1599 2365.88 DA

Thus, maintenance fee for a large entity case should be paid.

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PATENT ANNUITY SERVICE
EDV-Patentdatenverwaltung GmbH
Deutsche Bank AG
Konto-Nr.: 167 00 41
BLZ: 700 700 10

Amtsgerecht München
HRB 69968
Geschäftsführung:
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Christine Prell-Bscheid

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Fax: +49 89 2809841
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Therefore, we kindly ask you to charge our deposit account no. 05-1403 with the deficiency of US\$ 2.365,00 and to cancel the Small-Entity-Status for patent no. 6,177021.

We thank you in advance and remain

Sincerely yours,

European
PATENT ANNUITY SERVICE GmbH

Christine Prell-Bscheid

Encl.

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European Patent Annuity Service GmbH

Von: engineering@bma-de.com
Gesendet: Donnerstag, 24. Mai 2012 10:32
An: info@epas-patent.de
Betreff: Patent-Jahresgebühren für den Zeitraum 01-JUL-12 30-SEP-12
Anlagen: Duderstadt.K-Duderstadt.K_-_EPAS -103.PDF

Sehr geehrte Frau Prell-Bscheid,

wie in unserer Nachricht vom 16.04.2012 mitgeteilt, bitten wir Sie nun die Zahlung der 12. Jahresgebühr für unser US-Patent 6177021 mit dem Anmelder Aktenzeichen : 2784 mit Fälligkeit 23. Juli 2012 zu tätigen. Der Status von Small Entity muss auf Large Entity wechseln. Wir bitten Sie die nötigen Schritte zu veranlassen.

Zur Erinnerung habe ich Ihnen unsere Nachricht als Anhang beigefügt.

Ich wünsche Ihnen und Ihrem Team ein schönes, sonniges Pfingstwochenende.

Mit freundlichen Grüßen / Best regards
Katja Duderstadt
New Technologies Department
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Amtsgericht - Registergericht - Braunschweig HRB 69
Vorsitzender des Aufsichtsrats: Jan Bouw
Vorstand: Dr.-Ing. Rolf Mayer, Dipl.-Ing. Uwe Schwanke

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(See attached file: Duderstadt.K-Duderstadt.K_-_EPAS -103.PDF)

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DATE PRINTED
07/23/2012**MAINTENANCE FEE STATEMENT**

According to the records of the U.S. Patent and Trademark Office (USPTO), the maintenance fee and any necessary surcharge have been timely paid for the patent listed below. The "PYMT DATE" column indicates the payment date (i.e., the date the payment was filed).

The payment shown below is subject to actual collection. If the payment is refused or charged back by a financial institution, the payment will be void and the maintenance fee and any necessary surcharge unpaid.

Direct any questions about this statement to: Mail Stop M Correspondence, Director of the USPTO, P.O. Box 1450, Alexandria, VA 22313-1450.

PATENT NUMBER	FEE AMT	SUR CHARGE	PYMT DATE	U.S. APPLICATION NUMBER	PATENT ISSUE DATE	APPL. FILING DATE	PAYMENT YEAR	SMALL ENTITY?	ATTY DKT NUMBER
6,177,021	\$2,365.00	\$0.00	07/23/12	09/301,624	01/23/01	04/29/99	12	YES	016794/0393

2012 OCT 25 AM 10:55

FTOL-09 (Rev. 09/2006)